

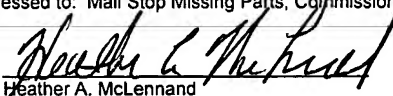


IAP6 Rec'd PCT/PTO 28 JUN 2007

Docket No.: V0005.70105US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey Bergman et al.
Serial No.: 10/590,816
Confirmation No.: 1168
Filed: August 25, 2006
For: STABLE PHARMACEUTICAL COMPOSITION COMPRISING AN
ACE INHIBITOR
Examiner: Not Yet Assigned
Art Unit: N/A

Certificate of Mailing Under 37 CFR 1.8(a)	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: <u>6/25/07</u>	 Heather A. McLennan

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

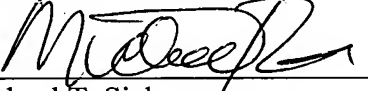
In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed April 23, 2007, Applicant respectfully submits a Declaration, an Application Data Sheet, and Part 2 Copy of Notice.

Our check in the amount of \$1,665.00 covering the fees set forth in 37 CFR 1.16(f), 1.16(j) - \$490.00, 1.492(a), 1.492(b), 1.492(c) - \$450.00, and 1.492(e) - \$725.00. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in

this application by this firm) to our Deposit Account No. 23/2825, under Docket No. V0005.70105US00. A duplicate copy of this paper is enclosed.

Dated: June 25, 2007

Respectfully submitted,

By 

Michael T. Siekman

Registration No.: 36,276

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

(617) 646-8000



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/590,816	FIRST NAMED APPLICANT Jeffrey Bergman	ATTY. DOCKET NO. V0005.70105US00
-------------------------------------------	------------------------------------------	-------------------------------------

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206



INTERNATIONAL APPLICATION NO. PCT/GB05/50016	
I.A. FILING DATE 02/15/2005	PRIORITY DATE 02/27/2004

CONFIRMATION NO. 1168
371 FORMALITIES LETTER



OC000000023497913

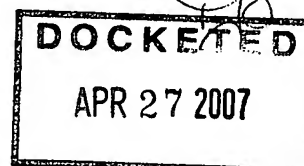
Date Mailed: 04/23/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 08/25/2006
- Copy of the International Search Report filed on 08/25/2006
- Preliminary Amendments filed on 08/25/2006
- Information Disclosure Statements filed on 11/22/2006
- Small Entity Statement filed on 08/25/2006
- Request for Immediate Examination filed on 08/25/2006
- U.S. Basic National Fees filed on 08/25/2006
- Priority Documents filed on 08/25/2006

Confirmation	Initials
Docketing	<input checked="" type="checkbox"/>
05/23/07	
06/23/07	



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$180 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$245** for a Small Entity:

- **\$65** Surcharge.
- Total additional claim fee(s) for this application is **\$ 180**
 - **\$180** for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,816	PCT/GB05/50016	V0005.70105US00

FORM PCT/DO/EO/905 (371 Formalities Notice)



PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/590,816-Conf. #1168	
	Filing Date	August 25, 2006	
	First Named Inventor	Jeffrey Bergman	
	Art Unit	N/A	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	18	Attorney Docket Number	V0005.70105US00

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Part 2 Copy of Notice Declaration ADS
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	A Check for \$1,665.00
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Notification of Change in Entity Status
<input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Remarks	Return Receipt Postcard
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Michael T. Siekman		
Date	June 25, 2007	Reg. No.	36,276

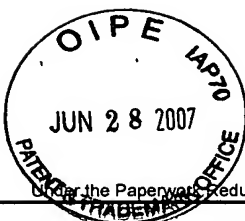
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Dated: 6/25/07

Signature:

(Heather A. McLennand)



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2007

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1665.00

Complete if Known

Application Number	10/590,816-Conf. #1168
Filing Date	August 25, 2006
First Named Inventor	Jeffrey Bergman
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	V0005.70105US00

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☐ Deposit Account Deposit Account Number: 23/2825 Deposit Account Name: Wolf, Greenfield & Sacks, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	\$450.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims - 20 = x = 725.00
HP = highest number of total claims paid for, if greater than 20.

Indep. Claims - 3 = x =
HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee (\$) Fee Paid (\$)
360.00 360.00

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = / 50 = (round up to a whole number) x =
Fee (\$) Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 2051 Surcharge-Late oath or declaration

Fees Paid (\$)

130.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	36,276	Telephone	(617) 646-8000
Name (Print/Type)	Michael T. Siekman	Date	June 25, 2007		

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Dated: 6/25/07

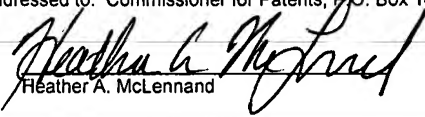
Signature: (Heather A. McLennand)



Docket No.: V0005.70105US00
(PATENT)

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Dated: <u>6/25/07</u>	 Heather A. McLennan

CORRECTION OF ERRONEOUS SMALL ENTITY STATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Assignee, Niche Generics Limited, hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity, and that the fees paid upon filing the above-identified application were erroneously paid, in good faith, as a small entity.

In accordance with 37 C.F.R. § 1.28(c)(2), Assignee files herewith the difference between the fees paid as a small entity and the current fee for a non-small entity as follows:

<u>fee type</u>	<u>fee</u>	<u>fee paid</u>	<u>deficiency</u>
basic national filing fee	300	150	150
Examination fee	200	100	100
Search fees	400	200	200
extra claim fees (29)	1450	725	<u>725</u>
			1175

A check in the amount of \$1,665.00 is enclosed covering the above fees, as well as fees with the accompanying Response to Notice to File Missing Parts.

Dated: June 25, 2007

Respectfully submitted,

By 

Michael T. Siekman

Registration No.: 36,276

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

(617) 646-8000